IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.1878 of 2007**

DATE OF DECISION: February 6, 2007

SUSHMA ARORA AND OTHERS ...PETITIONERS

VERSUS

STATE OF HARYANA & OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MR. JUSTICE R.S. MADAN.

PRESENT: MR. H.N. KHANDUJA, ADVOCATE FOR THE PETITIONERS.

ASHUTOSH MOHUNTA, J. (ORAL)

Learned counsel prays that he be allowed to withdraw the writ petition qua petitioner Nos.1 & 3 with liberty to file fresh petitions.

Writ petition is dismissed qua petitioner Nos.1 & 3 with liberty as prayed for granted.

Petitioner No.2 who is working as JBT Teacher on probation having being selected by the Haryana Staff Selection Commission applied for grant of Maternity Leave. She was granted the maternity leave w.e.f. 30.10.2004 to 27.4.2005 under Rule 8.131 of the Punjab CSR Vol.1 Part 1 without pay.

Learned counsel contends that the petitioner was entitled to be granted pay for the period she remained on maternity leave. Counsel for the petitioner further contends that the petitioner was to deliver her first child. Counsel has relied on the judgement in *Municipal Corporation of Delhi* vs. *Female Workers (Muster Roll) & Anr.* reported as 2000(2) SLR 2, wherein,

it has been held that a woman employee cannot be compelled to undertake hard labour as it would be detrimental to her health and also to the health of the foetus and accordingly, the Hon'ble Apex Court granted pay for the period, the female worker remained on maternity leave.

Whenever Maternity Leave is granted to a female employee, then the employer has to pay her the entire salary for the period the Maternity Leave has been sanctioned. The case of the petitioner is squarely covered by the decision in *Municipal Corporation's case* (supra) and accordingly, we direct the respondents to pay the petitioner the salary for the period she remained on maternity leave.

Writ petition allowed.

(ASHUTOSH MOHUNTA)
JUDGE

February 6, 2007
Gulati

(R.S. MADAN)
JUDGE